

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-v.-	:	<u>PROTECTIVE ORDER</u>
	:	18 Cr. 413 (JSR)
EDDIE COTTO,	:	
	:	
Defendant.	:	
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Upon the application of the United States of America, AUDREY STRAUSS, United States Attorney for the Southern District of New York, by and through Assistant United States Attorneys Aline R. Flodr, Rebecca T. Dell, and Emily A. Johnson, of counsel, for an order precluding the dissemination of material related to a government cooperator (“Cooperator-2”), whose identity is not publicly known and who will not be testifying at trial, produced pursuant to Title 18, United States Code, Section 3500 and *Giglio* (“Cooperator-2 3500 material”), with the consent of defendant EDDIE COTTO’s defense counsel, and for good cause shown, it is hereby ORDERED that:

1. The Government shall produce Cooperator-2 3500 material to defense counsel only, with the designation “Attorneys’ Eyes Only” (“AEO”). Defense counsel is precluded from disseminating any Cooperator-2 3500 material (and any copies) to anyone beyond defense counsel, any paralegal or staff employed by the defense, including but not limited to private investigators, and any court-appointed experts (collectively, “defense counsel”);

2. Defense counsel is prohibited from publicly disclosing or disseminating the identity of Cooperator-2, including to the defendant. Defense counsel is prohibited from discussing the contents of any Cooperator-2 3500 material with the defendant that reveals the true name or aliases of Cooperator-2, as well as any information that could lead to the discovery of Cooperator-2's true name or aliases, including address information, family information, or other personal identifying information;

3. Defense counsel should in the first instance confer with the Government about any issues or modifications to the designation of Cooperator-2 3500 material as AEO, or any other issues or modifications concerning the restrictions covered by this Order. However, nothing in this Order shall preclude the defense from making an *ex parte* application to the Court to relieve the defense from any particular obligation under this Order.

4. Any disputes regarding the designation of Cooperator-2 3500 material as AEO, or any other dispute concerning this Order, which cannot be resolved among the parties, will be brought to the Court for a ruling before any disclosure not permitted by this Order is made.

5. Defense counsel must destroy or return to the Government all Cooperator-2 3500 material (including all copies), at the conclusion of the sentencing in this matter or when any appeal has become final.


AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney

By: /s/ Rebecca T. Dell
Aline R. Flodr

Date: June 15, 2021


Rebecca T. Dell
Emily A. Johnson
Assistant United States Attorneys



Zachary Margulis-Ohnuma
Victoria Medley
Counsel for Defendant Eddie Cotto

Date: June 15, 2021

Dated: New York, New York
June 16, 2021



THE HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE